

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 21678/12  
File No. 15137

BRONX PARK EAST HOUSING INC.

Plaintiff(s),

-against-

TROY GRANT,  
DEBBIE DUTTER

Defendant(s).

STIPULATION OF  
SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that the above-entitled action is hereby settled upon the following terms and conditions:

1. That the Defendant(s) agree(s) to pay \$3,500.00 which is a full

and fair settlement of all parties' claims as follows:

a) \$100.00 per Month due on the 15<sup>th</sup> of each month commencing July 15, 2013 and continuing through ~~December, 2013~~ and including June 15, 2014;

b) \$150.00 per Month due on the 15<sup>th</sup> of each month commencing July 15, 2014 and continuing thereafter until paid in full

2. That said payments shall be made payable to "K. Andrich & Associates, P.C."

With office located at 181 Westchester Ave., Suite 500C,  
Port Chester, New York 10573

Defendant(s) agree to place the above file number on said payments. (15137)

3. That upon receipt and negotiation of the above monies, Plaintiff(s) shall provide

Defendant(s) with A notice of ~~foreclosure~~ possession.

4. That in the event of default in the payment provided herein, Plaintiff(s) shall provide a 10-day default notice and if said default is not cured within those 10 days, Plaintiff(s) shall be entitled to ~~monetary damages up to \$5,401.67~~ <sup>Plaintiff, the amount of \$5,401.67</sup> plus interest from <sup>as of December 1, 2013</sup> ~~costs, and disbursements \$5,401.67~~

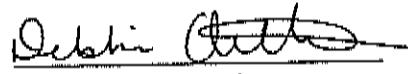
5. That the Defendant(s) have been provided with an opportunity to retain an attorney for this matter and they, after due deliberation, have declined to do so.

6. That this agreement contains all the terms, claims and conditions of and between <sup>December 1, 2013,</sup> ~~December 1, 2013,~~ <sup>last payment</sup> the parties. <sup>Matthew Kavulich  
Debbie O'Brien</sup>

7. That Defendant's Order to show cause ~~Matthew Kavulich~~ herein,  
is withdrawn.

Dated: 6/21/13  
Bronx, NY

  
Kavulich & Associates, P.C.  
By: Matthew D. Kasper, Esq.  
181 Westchester Ave, Suite 500C  
Port Chester, NY 10573  
Phone (914) 355-2074  
Fax (914) 355-2078

  
Debbie O'Brien  
1560 Sidney St #49  
BX, NY 10461



  
HON. JOSEPH CAPELLA

Armed & Kept on return date

34

(6A)

art of the City of New York  
of Bronx Part 39

Park East Housing Co., Inc.  
-against-  
Grant... et al.

Bred orsc ✓

Index Number: CV-021678-12/BX



ORDER TO SHOW CAUSE TO  
Vacate Inquest Clerk, stay  
entry of judgment and  
Restore to the Trial Calendar  
Appearances are mandatory

Upon the annexed affidavit of Debbie Outten, sworn to on June 7, 2013, and upon all papers and proceedings herein:

Let the Plaintiff(s) or Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse, Bronx, New York 10451  
Part 34C - Room 504  
on 6-21-13 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

To Vacate Inquest Clerk, stay entry of judgment restore to the Trial Calendar and/or dismiss

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Plaintiff(s), Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York on this action be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Plaintiff(s) or named attorney(s)  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 X by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

Sheriff or Marshal  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

on or before 6-13-13, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney:

Sheriff/Marshal

Kavulich & Associates  
181 Westchester Ave  
Suite 500C  
Port Chester, New York 10573

June 7, 2013

DATE

Hon. Elizabeth A. Taylor, Civil Court Judge (NYC)

Armed & Kept

of the City of New York  
Bronx

Erik East Housing Co., Inc.  
-against-  
Ant... et al.

Index Number: CV-021678-12/BX



AFFIDAVIT IN SUPPORT TO  
Vacate Inquest Clerk, stay  
entry of the judgment and  
restore to the Trial Calendar

New York, Bronx

Debbie Outten, being duly sworn, deposes and says:

I am the party named as (Defendant)(Respondent) in the above titled proceeding.

I request that the Court issue an order for: Vacate Inquest Clerk, stay the entry of judgment and restore to the Trial Calendar

I have a good defense because: I was not even only tenant residing at the apartment. I have moved out due to unstable condition for my children. I can not afford to pay five thousand dollars.

I have a good excuse/reason because: I left work as soon as I can to reach in time.

5.)  (a) I have not had a previous Order to Show Cause regarding this Index Number  
 (b) I have had a previous Order to Show Cause regarding this index number but I am making this further application because I had to work my shift from 6:30 to 10:30 could not leave early because there was no body to cover my shift. I tried to reach as quickly as possible.

Sworn to before me this day: June 7, 2013

(Sign Name) Debbie Outten  
Debbie Outten, residing at 1560 Silver Street, Apt 4G, Bronx,  
New York 10461

Not court ass't

Signature of Court Employee and Title

07/08/2017 - 10:00 AM - 07/08/2017 - HON. JOSEPH E. CAPELLA  
Page 4

CASE SUMMARY

Court: Bronx County Civil Court  
Index Number: CV-021678-12/BX  
  
Case Type: Civil  
Classification: General  
Filed Date: 12/20/2012

Cause(s) of Action: Other in the amount of \$33,481.77

(P) Kavulich & Associates - 181 Westchester Ave., Suite 500C, Port Chester, N.Y. 10573  
Bronx Park East Housing Co., Inc.

(D) Troy Grant - 1212 Concourse - Bronx, NY 10461-

RECORDED

<u>PAPERS RECORDED</u>	
11/20/2012	Summons and Complaint (Attorney), Filed By: (P) Bronx Park East Housing Co., Inc., Debtor(s): (D) Debbie Outten, Status: Filed
02/22/2013	Answer Filed (Self Represented), Filed By: (D) Debbie Outten; (D) Troy Grant Answer Filed (Self Represented), Filed By: (D) Debbie Outten, Filed Date(s): 05/17/2013, Vacate Inquest Clerk, Filed By: (D) Debbie Outten, Status: Filed
04/25/2013	Motion (Order to Show Cause), Seq 1, Court Date(s): 05/07/2013, Vacate Inquest Clerk, Filed By: (D) Debbie Outten, Status: Filed
05/17/2013	Motion (Order to Show Cause), Seq 1, Court Date(s): 05/07/2013, Vacate Inquest Clerk, Filed By: (D) Debbie Outten, Status: Filed
06/04/2013	Motion (Order to Show Cause), Seq 2, Court Date(s): 06/07/2013, Vacate Inquest Clerk, Filed By: (D) Debbie Outten, Status: Filed
06/04/2013	Motion (Default Judgment), Seq 1, Filed Date: 06/04/2013, Total Judgment: \$5,646.87, Status: Rejected (06/06/2013), Judgment (Default Judgment), Seq 1, Filed Date: 06/04/2013, Total Judgment: \$5,646.87, Status: Rejected (06/06/2013), Judgment (Default Judgment), Seq 1, Filed Date: 06/04/2013, Total Judgment: \$5,646.87, Status: Rejected (06/06/2013)
06/04/2013	Creditor(s): (P) Bronx Park East Housing Co., Inc., Debtor(s): (D) Debbie Outten, Status: Filed
06/04/2013	Motion (Order to Show Cause), Seq 3, Vacate Inquest Clerk, Filed Date(s): 06/07/2013, Vacate Inquest Clerk, Filed By: (D) Debbie Outten, Status: Filed

Information recorded as of 06/07/2013 12:30 PM. Users should be responsible for consequential use of this data.  
Page 1 of 2

CV-021673-12BX (P) Bronx Park East Housing Co., Inc. vs. (D) Troy Gram  
Outcome(s): Withdrawn

06/07/2013 Pan 34 - Procedural Motions - Self Represented Litigant, Purpose: Motion (2) - Vacate Inquest Clerk

06/07/2013 Pan 34C - Procedural Motions - Self Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Inquest Clerk, Outcome(s): Rescheduled

This report reflects information recorded as of 06/07/2013 12:30 PM. Users should verify the accuracy of information by contacting original court records or sources. The Unified Court System is not responsible for consequential uses of this data.

Page 2 of 2

Appearances are Mandatory

Civil Court of the City of New York  
County of Bronx Part 39Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

In JOSL Index Number: CV-021678-12/BX

## ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Debbie Outten, sworn to on April 15, 2014, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse  
Bronx, New York 10451  
Part 34 Room 503

on MAY 1, 2014 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):

(Judge to Initial)

Sheriff or Marshal:

(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

on or before APRIL 21, 2014

, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Sheriff/Marshal: Stephen W. Biegel  
 109 W 38th Street  
 Ste 200  
 New York, NY 10018

April 15, 2014

DATE

Hon. Joseph E. Capella, Civil Court Judge (NYC)

4/16/14 Denied w/o prejudice to renew w/ta  
 explanation of payments made + proof  
 of same - Rep'd dated 6/2013.   
 HON. JOSEPH E. CAPELLA

the City of New York, County of Bronx

York East Housing Co., Inc.  
-against-  
rant... et al.

Index # CV-021678-12/BX

Affidavit in support of an order to show cause to  
restore case to the calendar, vacate any judgment,  
liens and income executions on this defendant on  
this Index number,  
allow proposed answer or dismissing the action

State of New York, County of New York:

Debbie Outten, being duly sworn, deposes and says:

(Defendant's initials)

1.  a) I am the Party named as (Defendant)(Respondent) in the above titled action

2.  a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]  
 b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]  
 \_\_\_\_\_ a Notice of Default Judgment mailed to me  
 \_\_\_\_\_ a Restraining Notice on my bank account.  
 \_\_\_\_\_ a copy of an Income Execution served on \_\_\_\_\_  
 \_\_\_\_\_ Other: \_\_\_\_\_

3. \_\_\_\_\_ a) I did not appear and answer in the Clerk's Office because:[NOTE: if you complete # 3a, skip and go to #6].  
 b)  I did not appear and answer in the Clerk's Office  
 \_\_\_\_\_ and I received a date for trial.  
 \_\_\_\_\_ but the answer was entered late  
 \_\_\_\_\_ Other: \_\_\_\_\_

4. On the Date of Trial before Judge/Arbitrator  
 a stipulation(a written agreement) was made between claimant/plaintiff and defendant.  
 a judgment was entered after the trial.  
 a judgment was entered against me by default for my failure to appear.  
 \_\_\_\_\_ Other: \_\_\_\_\_

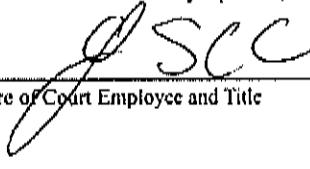
5. My reason for not  
 complying with the stipulation is \_\_\_\_\_  
 following the order of the Court is \_\_\_\_\_  
 appearing in court on the date scheduled for trial is \_\_\_\_\_  
 Other: *I did not have the money at the time to make the first payment because had to take care of my son who is suffering from Diabetes and had to pay for her care.*

6.  I allege that I have a good defense because: *yes. I still owe the money and I would like to make a new payment agreement. So I can prevent judgment of my check which I can not afford at this present time due to financial issues.*

7. \_\_\_\_\_ a) I have not had a previous Order to Show Cause regarding this index number.  
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: *The judge refuse to sign.*

8.  I request that the Judgment be vacated, that the case be restored to the calendar, that the answer be deemed timely filed and permission to serve these papers in person.

Sworn to before me this day April 15, 2014

  
Signature of Court Employee and Title(Sign Name) Debbie OuttenDebbie Outten  
1560 Silverstreet  
APT 4G  
Bronx, NY 10461



**NEW YORK CITY MARSHAL  
Stephen W. Biegel**

109 West 38th Street, Suite 200 • New York, NY 10018  
Phone: (212) MARSHAL (627-7425) • Fax: (212) 398-2000  
NYC@MarshalBiegel.com • www.NewYorkCityMarshal.com

April 10, 2014

DEBBIE OUTTEN  
1560 SILVER ST  
APT 4G  
BRONX NY 10461

**JUDGMENT CREDITOR  
BRONX PARK EAST HOUSING CO INC**

VS

**DEBBIE OUTTEN  
JUDGMENT DEBTOR**

**NOTICE OF GARNISHMENT**

Please take notice that a judgment has been entered against the above named judgment debtor. Pursuant to the INCOME EXECUTION delivered to me, you are required to have your first payment in my office within 20 days from the above date. Payments must be 10% of your gross wages payable on each payday and must be accompanied by your most recent paystub. Upon your default, a copy of this execution will be served upon any person (corporation, etc.) from whom you are receiving or will receive money and will result in additional costs to you.

JUDGMENT .....	\$8,112.16
STATUTORY MARSHAL FEES.....	\$0.00
POUNDAGE .....	\$432.82
EXPENSES.....	\$7.45
INTEREST.....	\$536.99
<b>TOTAL.....</b>	<b>\$9,089.42</b>

**IN ADDITION, INTEREST FROM 04/10/14 will be calculated on a daily basis. You will be notified of the final balance due when your payments approach completion.**

ALL PAYMENTS SHOULD BE MARKED WITH YOUR NAME AND THIS DOCKET NUMBER:

G6487

payable to:

MARSHAL STEPHEN W. BIEGEL

(FSTSRSVSL)

## Civil Court of the City of New York

County of Bronx Part 39

Bronx Park East Housing Co., Inc.  
 -against-  
 Troy Grant... et al.



Index Number CV-021678-12/BX

**ORDER TO SHOW CAUSE**

To Vacate a Judgment, restore case to the Calendar, and vacate any liens and income executions involving this defendant on this case, and/or to dismiss

**APPEARANCE IS MANDATORY**

UPON the annexed affidavit of Debbie Outten, sworn to on April 11, 2014, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Civil Court of the City of New York

851 Grand Concourse  
 Bronx, New York 10451

Part 34

Room 503

on April 28, 2014

at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, restoring to the calendar, vacating any liens and income executions and/or dismissing the action if warranted and/or granting such other and further relief as may be just

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):

(Judge to Initial)

Sheriff or Marshal:

(Judge to Initial)

by Personal Service by " In Hand Delivery"

by Personal Service by " In Hand Delivery"

by Certified Mail, Return Receipt Requested

by Certified Mail, Return Receipt Requested

by First Class Mail with official Post Office

by First Class Mail with official Post Office

Certificate of Mailing

Certificate of Mailing

on or before April 17, 2014, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE shall be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Attorney(s): Mail to:

Kavulich & Associates

(Counsel for Pltf)

181 Westchester Ave

Suite 500C

Port Chester, New York 10573

Sheriff/Marshall:

April 11, 2014

DATE

Hon. PATRICK A. Goetz, Civil Court Judge (NYC)

4/14/14 Denied w/o prejudice  
 to renew w/explanation  
 as to what happened  
 w/last OSC.

JON. JOSEPH E. CAPELLA

New York, County of Bronx  
 Housing Co., Inc.  
 et al.

CV-021678-12/BX

Affidavit in Support to restore case to the calendar, and vacate any judgment, liens and income executions involving this defendant on this case , and/or to dismiss

County of Bronx

I, being duly sworn, deposes and says:  
 (initials)

a) I am the Party named as (Defendant)(Respondent) in the above titled action.

a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]

b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]

a Notice of Default Judgment mailed to me

a Restraining Notice on my bank account

a copy of an Income Execution served on

Other:

3. a) I did not appear and answer in the Clerk's Office because:[NOTE: if you complete # 3a, skip and go to #6].

b) I did appear and answer in the Clerk's Office

and I received a date for trial.

but the answer was entered late

Other:

4. On the Date of Trial before Judge/Arbitrator

a stipulation(a written agreement) was made between claimant/plaintiff and defendant.

a judgment was entered after the trial.

a judgment was entered against me by default for my failure to appear.

Other:

5.

My reason for not

complying with the stipulation is

following the order of the Court is

appearing in court on the date scheduled for trial is

Other: *I owe money, I have failed to pay because I*

*do not have the money at time to pay*

6.

I allege that I have a good defense because: *I have agreed to contact them*

*to pay what I owe. I would like to make payments*

*on what I owe the Clerk if my wage garnishment*

7.

a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application

*because: I would like to make a payment plan*

*I had an agreement to pay but could not handle it at the present time. I had no funds*

8.

I request that the Judgment be vacated, AND that the case be restored to the calendar.

Sworn to before me this day April 11, 2014

(Sign Name) *Debbie Outten*

Debbie Outten

1560 Silver Street

Apt 4G

Bronx, New York 10461

Signature of Court Employee and Title

*JSC*

## AFFIDAVIT OF SERVICE

Index #: 21678/2012  
Date Filed: 12/20/2012CIVIL COURT OF THE CITY OF NEW YORK  
BRONX COUNTYATTORNEY(S): KAVULICH & ASSOCIATES, PC  
ADDRESS: File No 15137

BRONX PARK EAST HOUSING CO., INC.

Plaintiff(s)/Petitioner(s)

vs.

TROY GRANT, DEBBIE OUTTEN

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS SS:  
EMMANUEL LANZOT, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 1/11/2013 at 3:30 PM at 1212 COLLEGE AVENUE, APT B2, BRONX, NY 10456, deponent served the within SUMMONS & COMPLAINT with index Number 21678/2012, and Date File 12/20/2012 endorsed thereon, on: TROY GRANT, Defendant, therein named

#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.

#2 CORPORATION  By delivering to and leaving with and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

*Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*

#3 SUITABLE AGE PERSON  By delivering a true copy of each to a person of suitable age and discretion  
Said premises is recipient's  actual place of business  dwelling house (usual place of abode)within the state.

#4 AFFIXING TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's:  actual place of business  dwelling house (usual place of abode) within the state.

#5 MAIL COPY  On 1/14/2013 deponent completed service under the last two section by depositing a copy of the SUMMONS & COMPLAINT to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereof on 1/11/2013 At 3:30 PM on 1/10/2013 At 12:44 PM on 1/9/2013 At 8:03 PM

#7 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex, Color of Skin, Color of Hair, Age, Height, Weight, Other Features:

#8 WIT. FEES  The authorized witness fee and / or traveling expense were paid (tendered) to recipient.

#9 MILITARY SRVC  Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not. Recipient wore ordinary civilian clothes and no military uniform.

#10 OTHER

Sworn to me on 1/14/2013

THOMAS A. DUNDAS  
NOTARY PUBLIC, State of New York  
NO. 01DU6016919, Qualified in Queens County  
Commission Expires 11/30/2014

EMMANUEL LANZOT  
Servers Lic.# 1258345

CF

JAN 15 2013

FILED  
CLERK'S OFFICE  
CIVIL COURT  
BRONX COUNTY

## AFFIDAVIT OF SERVICE

Index #: 21678/2012  
 Date Filed: 12/20/2012

CIVIL COURT OF THE CITY OF NEW YORK  
 BRONX COUNTY

ATTORNEY(S): KAVULICH & ASSOCIATES, PC  
 ADDRESS : File No 15137

BRONX PARK EAST HOUSING CO., INC.

Plaintiff(s)/Petitioner(s)

vs.

TROY GRANT, DEBBIE CUTTEN

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS SS:

KYLE ORTIZ, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 1/3/2013 at 7:32 PM at 1560 SILVER STREET, APT 4G, BRONX, NY 10461, deponent served the within SUMMONS & COMPLAINT with index Number 21678/2012, and Date File 12/20/2012 endorsed thereon, on: DEBBIE CUTTEN, Defendant therein named

#1 INDIVIDUAL [ ]	By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.
#2 CORPO RATION [ ]	By delivering to and leaving with and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. <i>Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.</i>
#3 SUITABLE AGE PERSON [X]	By delivering a true copy of each to <u>JUSTIN 'DOE'</u> a person of suitable age and discretion Said premises is recipient's [ ] actual place of business [X] dwelling house (usual place of abode) within the state.
#4 AFFIXING TO DOOR [ ]	By affixing a true copy of each to the door of said premises, which is recipient's: [ ] actual place of business [X] dwelling house (usual place of abode) within the state.
#5 MAIL COPY [x]	On <u>1/7/2013</u> deponent completed service under the last two section by depositing a copy of the <u>SUMMONS &amp; COMPLAINT</u> to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on At on At on At
#7 DESCR PTION [X]	A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Sex: MALE, Color of Skin: BLACK, Color of Hair: BLACK, Age: 18-21, Height: 5'4/5'8, Weight: 201+, Other Features:
#8 WIT.FEES [ ]	The authorized witness fee and / or traveling expense were paid (tendered) to recipient.
#9 MILITARY SERVICES [ ]	Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not.

Sworn to be on 1/8/2013

THOMAS A. DUNDAS

NOTARY PUBLIC, State of New York  
 NO. 01DU6016919, Qualified in Queens County  
 Commission Expires 11/30/2014

CF

KYLE ORTIZ  
 Servers Lic. # 1449333

2013 JAN 11 PM 1:56  
 ERON  
 125

Bronx County Civil Court  
Civil Judgment

Plaintiff(s):  
Bronx Park East Housing Co., Inc.

vs.

Defendant(s):  
Troy Grant;  
Debbie Outten

Amount claimed	\$4,981.87	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 12/01/2006 at 9%	\$2,970.29	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$50.00	Jury Demand Fee	\$0.00		
Total Damages	\$7,952.16	Total Costs & Disbursements	\$160.00	Judgment Total	\$8,112.16

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) Bronx Park East Housing Co., Inc.  
2324 Boston Road, Bronx, New York 10467

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) Troy Grant  
1212 College Ave, Apt B2, Bronx, New York 10456

Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK in the total amount of \$8,112.16 on 07/16/2013 at 04:49 PM.

Severed and Continued as to remaining parties

Judgment sequence 3

*Carol Alt*

Carol Alt, Chief Clerk Civil Court



THE CITY OF NEW YORK

NY

Bronx Park East Housing Co., Inc.,

PLAINTIFF(S)

INDEX NO. 21678/12

FILE NO. 15137.0

JUDGMENT

-AGAINST-

Troy Grant, Debbie Outten

2324 Boston Road  
Bronx, NY 10467

DEFENDANT(S)

AMOUNT CLAIMED LESS PMTS ON ACCT.  
INTEREST FROM 12/1/2006

\$4,981.87

2951.7647933.63

COSTS BY STATUTE

\$50.00

SERVICE OF SUMMONS AND COMPLAINT

\$25.00

FILING OF SUMMONS AND COMPLAINT

\$45.00

PROSPECTIVE MARSHALL'S FEE

\$40.00

NOTICE OF INQUEST

\$0.00

TRANSCRIPT &amp; DOCKETING

\$0.00

\$160.00TOTAL \$8093.63

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY

7/10/2013

KAVULICH &amp; ASSOCIATES, P.C.

BY: GARY KAVULICH, ESQ.

181 WESTCHESTER AVENUE, SUITE 500C

PORT CHESTER, NY 10573

JUDGMENT ENTERED ON

SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)

HEREIN HAVING BEEN COMPLETED ON 2/24/2013 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT Bronx Park East Housing Co., Inc.  
RESIDING AT: 2324 Boston Road Bronx, NY 10467  
RECOVER OF Troy Grant,  
RESIDING AT: 1212 College Avenue Apt. B2 Bronx, NY 10456-4161

THE SUM OF \$4,981.87 WITH INTEREST OF 2951.76 MAKING A TOTAL OF \$7933.63 TOGETHER WITH \$160.00 COSTS AND DISBURSEMENTS. AMOUNTING IN ALL TO THE SUM OF \$8093.63 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY SEVERED.

Settled as to defendant Debbie Outten

2013 JUL 11 AM 11:28

FILED CIVIL COURT  
CLERK

CLERK

(FAX)

P.006/011

## AFFIDAVIT OF SERVICE

Index #: 21678/2012  
Date Filed: 12/20/2012THE CITY OF NEW YORK  
COUNTY  
ATTORNEY(S): KAVULICH & ASSOCIATES, PC  
ADDRESS: File No 15137

BRONX PARK EAST HOUSING CO., INC.

Plaintiff(s)/Petitioner(s)

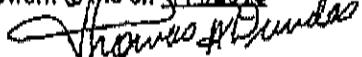
vs.  
TROY GRANT, DEBBIE CUTTEN

Defendant(s)/Respondent(s)

COPY

STATE OF NEW YORK, COUNTY OF QUEENS SS:  
EMMANUEL LANZOT, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 1/11/2013 at 3:30 PM at 1212 COLLEGE AVENUE, APT B2, BRONX, NY 10458, deponent served the within SUMMONS & COMPLAINT with Index Number 21678/2012, and Date File 12/20/2012 endorsed thereon, on: TROY GRANT, Defendant therein named

- #1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.
- #2 CORPORATION  By delivering to and leaving with and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.  
*Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*
- #3 SUITABLE-  
AGE PERSON  By delivering a true copy of each to a person of suitable age and discretion  
Said premises is recipient's  actual place of business  dwelling house (usual place of abode) within the state.
- #4 AFFIXING  
TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's:  actual place of business  dwelling house (usual place of abode) within the state.
- #5 MAIL COPY  On 1/14/2013 deponent completed service under the last two section by depositing a copy of the SUMMONS & COMPLAINT to the above address in a 1st Class postage properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York, Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on 1/11/2013 At 3:30 PM on 1/10/2013 At 12:44 PM on 1/9/2013 At 8:03 PM
- #7 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex, Color of Skin, Color of Hair, Age, Height, Weight, Other Features:
- #8 WIT. FEES  The authorized witness fee and / or traveling expense were paid (tendered) to recipient.
- #9 MILITARY SRVC Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not. Recipient wore ordinary civilian clothes and no military uniform.
- #10 OTHER

Sworn to me on 1/14/2013

THOMAS A. DUNDAS  
NOTARY PUBLIC, State of New York  
NO. 01DU6016919, Qualified in Queens County  
Commission Expires 11/30/2014

  
EMMANUEL LANZOT  
Servers Lic.# 1258345  
FILED  
CLERK'S OFFICE

CF

JAN 15 2013  
CIVIL COURT  
BRONX COUNTY

5 Co., Inc.  
PLAINTIFF(S)

AGAINST

Troy Grant, Debbie Outten  
DEFENDANT(S)

AFFIDAVIT OF FACTS  
CONSTITUTING THE CLAIM  
THE DEFAULT AND THE  
AMOUNT DUE

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PURJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUTED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

December, 2006 balance of \$492.35

January, 2007 \$1,122.38

February, 2007 \$1,122.38

March, 2007 \$1,122.38

April, 2007 \$1,122.38

AT THE AGREED MONTHLY RENTAL OF \$1,122.38

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCURRED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX(6) YEARS. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$4,981.87 WITH INTEREST FROM 12/1/2006 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.  
BY: GARY KAVULICH, ESQ.  
181 WESTCHESTER AVENUE, SUITE 500C  
PORT CHESTER, NY 10573

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COUNT ON

DATED: WESTCHESTER, NY  
7/10/2013

YOURS, ETC.,  
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF SS:  
BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

OF THE CITY OF NEW YORK  
OF BRONX

Bronx Park East Housing Co., Inc.

PLAINTIFF(S)

-AGAINST-

Troy Grant, Debbie Outten

DEFENDANT(S)

INDEX NO. 21678/12

AFFIRMATION OF  
MAILING OF ADDITIONAL  
NOTICE OF SUIT

GARY KAVULICH, ESQ., HEREBY AFFIRMS THE FOLLOWING UNDER THE PENALTY OF PERJURY.

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 1/23/2013, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S). THE ENVELOPE(S) BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

X LAST KNOWN ADDRESS AT: Troy Grant, Debbie Outten 1212 College Avenue Apt. B2 Bronx, NY 10456-4161  
1560 Silver Street Apt. 4G Bronx, NY 10461-2429

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

X HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:

GARY KAVULICH, ESQ.

Bronx Park East Housing Co., Inc.,

-AGAINST-

Troy Grant, Debbie Outten,

DEFENDANT(S)

X INDEX NO:

FILE NO: 15137.0

PLAINTIFF.

AFFIRMATION OF FACTS  
CONSTITUTING THE  
AMOUNT DUE

hereby deposes and says under the penalties of perjury, ss:

That deponent is the managing agent of Bronx Park East Housing Co., Inc., Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$4,981.87 for the months December, 2006 balance of \$492.35;January, 2007 through and including April, 2007 at the agreed monthly rental amount of \$1,122.38 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

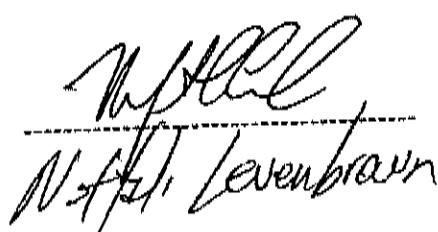
WHEREFORE, Plaintiff demands judgment against defendant for \$4,981.87 with interest from December 1, 2006 together with costs and disbursements of the action.

Dated: 5/9/2013

Sworn to before me  
on this 9 day of May 2013

Notary Public

GARY KAVULICH  
Notary Public, State of New York  
No. 02KA6205815  
Qualified in Westchester County  
Commission Expires May 11, 2017

  
N.F.J. Levenbaw

STATE OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Bronx Park East Housing Co., Inc.,

Index No. 21678/12  
File No. 1S137.0

Plaintiff,

S

-against-

**AFFIDAVIT OF  
INVESTIGATOR**

Troy Grant, Debbie Outten

4160

Defendant(s).

STATE OF NEW YORK )  
                          )SS.:  
COUNTY OF WESTCHESTER )

I am over 18 years of age, am not a party to this action and reside in Westchester County,  
State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make  
an investigation to ascertain if the Defendant(s) Troy Grant is at the present  
time in military service for the purpose of entry of judgment.

On July 10, 2013, I Denise Miranda, contacted the Defense manpower Data Center  
concerning the Defendant Troy Grant military status.

I inputted the Defendant's name and social security number, as provided by the Defendant him/herself, into the Defense  
Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense  
Manpower Data Center stating that the said Defendant is not currently in the military  
service of the United States and the State of New York (National Guard).

\_\_\_\_\_  
Denise Miranda

Sworn to before me this  
 Day of ~~July~~, 2013

Notary Public

GARY KAVULICH  
NOTARY PUBLIC-STATE OF NEW YORK  
NO.02KA6205615  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 05/11/2017

SCRA 3.0

## Servicemembers Civil Relief Act

Last Name: GRANT

First Name: TROY

Middle Name:

Active Duty Status As Of: Jul-10-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects the individual's active duty status based on the Active Duty Status Date

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA

This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA

This response reflects whether the individual or his/her unit has received early notification to report for active duty

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.   
HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavely-Dixon, Director  
 Department of Defense - Manpower Data Center  
 4800 Mark Center Drive, Suite 04E25  
 Arlington, VA 22350

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

[More information on "Active Duty Status"](#)

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: R3F63E6B104DP10

Son J.V. Dated packed up pgm 7/21/13

34

(7A)

Civil Court of the City of New York  
County of Bronx Part 39

Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

2013 MAY 21 AM 10:15

Index Number: CV-021678-12/BX



ORDER TO SHOW CAUSE TO  
Vacate Inquest Clerk, stay  
entry of judgment and  
Restore to the Trial Calendar  
Appearances are mandatory

CIVIL COURT  
Bronx County, NY

Upon the annexed affidavit of Debbie Outten, sworn to on May 17, 2013, and upon all papers and proceedings herein:

Let the Plaintiff(s) or Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse, Bronx, NY 10451  
Part 34C - Room 504  
on June 7, 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

To Vacate Inquest Clerk, stay entry of judgment restore to the Trial Calendar and/or dismiss

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Plaintiff(s), Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York on this action be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Plaintiff(s) or named attorney(s)  
(Judge to Initial)

Sheriff or Marshal  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

on or before May 23, 2013, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney:

Sheriff/Marshal

Kavulich & Associates  
181 Westchester Ave  
Suite 500C  
Port Chester, NY 10573

May 17, 2013

DATE

Hon. Gerald Lebowitz, Civil Court Judge (NYC)

DNA M DTM

10:75 AM

1101 ~  
CV-021678-12/BX

Court of the City of New York  
Bronx

Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

Index Number: CV-021678-12/BX



**AFFIDAVIT IN SUPPORT TO  
Vacate Inquest Clerk, stay  
entry of the judgment and  
restore to the Trial Calendar**

State of New York, Bronx

Debbie Outten, being duly sworn, deposes and says:

(Initials)

1.  a) I am the party named as (Defendant)(Respondent) in the above titled proceeding.
2.  I request that the Court issue an order for: Vacate Inquest Clerk, stay the entry of judgment and restore to the Trial Calendar
3.  I have a good defense because: I do own the apartment  
that is stated. I was a two person residing  
at the apartment
4.  I have a good excuse/reason because: I was at work and  
was unable to pick up the papers. Did not  
have anyone else to pick it up
5.  (a) I have not had a previous Order to Show Cause regarding this Index Number  
 (b) I have had a previous Order to Show Cause regarding this index number but I am making this further application because Did not pick it up in a  
timely manner was away working hours

Sworn to before me this day:  
May 17, 2013

(Sign Name) Debbie Outten  
Debbie Outten, residing at 1560 Silver Street, Apt 4G, Bronx,  
NY 10461

COURT REV A&ST.

Signature of Court Employee and Title

Not timely picked up ✓

Civil Court of the City of New York  
County of Bronx Part 39

Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

34C-9

Index Number: CV-021678-12/BX



ORDER TO SHOW CAUSE TO  
Vacate Inquest Clerk, stay  
entry of judgment and  
Restore to the Trial Calendar  
Appearances are mandatory

Upon the annexed affidavit of Debbie Outten, sworn to on April 25, 2013, and upon all papers and proceedings herein:

Let the Plaintiff(s) or Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse, Bronx, NY 10451  
Part 34C - Room 504  
on May 17, 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

To Vacate Inquest Clerk, stay entry of judgment restore to the Trial Calendar and/or dismiss

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Plaintiff(s), Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York on this action be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Plaintiff(s) or named attorney(s)  
(Judge to Initial)

Sheriff or Marshal  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
Certificate of Mailing

on or before 5/1/13, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney:

Sheriff/Marshal

Kavulich & Associates  
181 Westchester Ave  
Suite 500C  
Port Chester, NY 10573

April 25, 2013

DATE

Hon. David B. Cohen, Civil Court Judge (NYC)

MDW  
NC5 Service

Civil Court of the City of New York  
County of Bronx

Index Number: CV-021678-12/BX



Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

**AFFIDAVIT IN SUPPORT TO  
Vacate Inquest Clerk, stay  
entry of the judgment and  
restore to the Trial Calendar**

State of New York, Bronx

Debbie Outten, being duly sworn, deposes and says:

1. D.D. <sup>(Initials)</sup> a) I am the party named as (Defendant) Respondent in the above titled proceeding.

2. D.D. I request that the Court issue an order for: Vacate Inquest Clerk, stay the entry of judgment and restore to the Trial Calendar

3. D.D. I have a good defense because: I have moved out of the apartment with children & left the other tenant there. It is unconscionability fair. I also dispute the amount.

4. D.D. I have a good excuse/reason because: I received notice because I had to drop my elderly mother to the center.

5. D.D. (a) I have not had a previous Order to Show Cause regarding this Index Number  
 (b) I have had a previous Order to Show Cause regarding this index number but I am making this further application because \_\_\_\_\_

Sworn to before me this day:

April 25, 2013

(Sign Name) Debbie Outten  
 Debbie Outten, residing at 1560 Silver Street, Apt 4G, Bronx,  
 NY 10461

William Rangala/SRA  
 Signature of Court Employee and Title

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Bronx Park East Housing Co., Inc.,  
Plaintiff,

INDEX NO.  
FILE NO. 15137.0 021678

-against-

Troy Grant, Debbie Outten,

Defendant(s)

SUMMONS  
Place of Venue is Plaintiff's  
place of business:

2324 Boston Road  
Bronx, NY 10467

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$3,481.87 with interest thereon from December 1, 2006 together with costs of this action.

DATED: December 18, 2012

**FEE PAID**

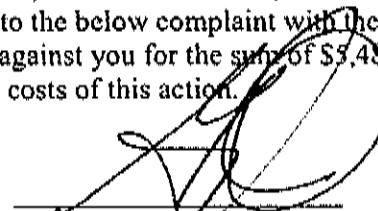
DEC 20 2012

**CIVIL COURT  
BRONX COUNTY**

Defendant's Address:

Troy Grant  
1212 College Avenue, Apt. B2  
Bronx, NY 10456-4161

Debbie Outten,  
1560 Silver Street Apt. 4G  
Bronx, NY 10461-2429



By: Gary Kavulich, Esq.,  
Kavulich & Associates, P.C.  
Attorney for Plaintiff  
181 Westchester Avenue  
Suite 500C  
Port Chester, NY 10573  
(914) 355-2074

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

**COMPLAINT**

**FIRST ACTION:** Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$4,981.87 representing rental arrears for the months of December, 2006 balance of \$492.35; January, 2007 through and including April, 2007 at the agreed monthly sum of \$1,122.38 for the premises known as 2324 Boston Road, Apt.9D Bronx, NY 10467 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

**SECOND ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**THIRD ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

**WHEREFORE**, Plaintiff demands judgment (A) on the First Action, in the sum of \$4,981.87 plus interest from December 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of \$0.00 plus interest from December 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.

Civil Court of the City of New York  
County of Bronx

Index No: CV-021678-12/BX  


Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.

**ORAL ANSWER  
ACTION FOR MONEY ONLY**

Defendant, Debbie Outten, at 1560 Silver Street, Apt 4G, Bronx, NY 10461, answers the Complaint as follows:

**ANSWER: Dated : 02/22/2013**

(Check all that apply)

1  General Denial: I deny the allegations in the complaint  
**SERVICE**

2  I did not receive a copy of the summons and complaint

3  I received the Summons and Complaint, but service was not correct as required by law.

**FILED  
CLERK'S OFFICE**

FEB 22 2013

**CIVIL COURT  
BRONX COUNTY**

**DEFENSES**

4  I do not owe this debt.

5  I did not incur this debt. I am the victim of identity theft or mistaken identity.

6  I have paid all or part of the alleged debt.

7  I dispute the amount of the debt.

8  Plaintiff is required to be licensed by the department of consumer affairs of the City of New York and does not allege a license number in the Complaint.

9  Statute of Limitations ( the time has passed to sue on this debt).

10  The debt has been discharged in bankruptcy.

11  The collateral (property) was not sold at a commercially reasonable price.

12  Unjust enrichment (the amount demanded is excessive compared with the original debt.)

13  Violation of the duty of good faith and fair dealing.

14  Unconscionability (the contract is unfair.)

15  Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

16  Defendant is in the military.

17  Other: I WAS SHARING THE RENT WITH THE CO-DEFENDANT.

**OTHER**

18  Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

**COUNTERCLAIM**

19 Counterclaim(s):\$ \_\_\_\_\_ Reason: \_\_\_\_\_

This case is scheduled to appear on the calendar as follows:

Date: March 15, 2013 Part: Part 11 - Self Represented Non-Jury Room 503 Time: 10:30 AM Both Sides Notified:

To:

Kavulich & Associates  
181 Westchester Ave  
Suite 500C  
Port Chester, NY 10573

ID: DMV

CIVIL COURT OF THE CITY OF NEW YORK  
County of Bronx Part 34

Index No. 21678/12  
File #

**STIPULATION  
OF SETTLEMENT**

15137

Docket #  
G6487

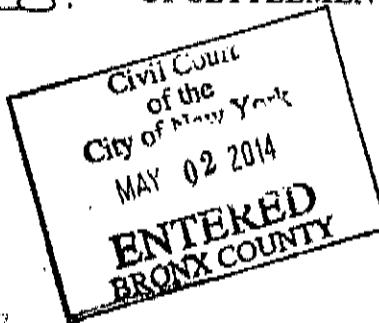
Bronx Park East Housing Co.

Plaintiff(s),

-against-

Troy Grant  
Denise Cutten

Defendant(s).



It is hereby stipulated and agreed by and between the parties that the above-referenced

Plaintiff consents to vacate judgment

action is settled as follows: and lift any and all restraints, liens

or executions against Defendant Denise Cutten

only. Judgment, liens, executions or restraints

remain in full force + effect against

Defendant ~~Troy Grant~~.

Plaintiff shall accept \$ 4100.00 in full

satisfaction of all claims against Denise Cutten

provided

commencing on or before 5/30/14 and on or before

the 30th of every month thereafter Defendant

shall pay \$ 1500 per month until the debt is satisfied

Make payment to: Marshal B10902 109 West 38th Street

Suite # 200 NY NY 10018

Include docket # G6487 on all payments

In the event of default Plaintiff shall enter

Judgment upon 5 days written notice to

the full amount sought in the Complaint

and all lawful interest less any payments to date

Upon satisfaction of the debt Plaintiff shall file &

Signature

Date

Signature

Date

Serve a Notice of Discontinuance.

Signature

Date

Signature

Date

This stipulation contains the full terms & conditions  
of this Agreement.

CIV-GP-32 (Revised December, 2005)

Page \_\_\_\_\_ of \_\_\_\_\_

Cr Johnson Esq  
of Counsel Kavulich & Assoc, P.C.  
Jim Plaintiff

PAUL A. GOETZ Page 30  
JUDGE, CIVIL COURT

## Civil Court of the City of New York

County of Bronx Part 39

Bronx Park East Housing Co., Inc.  
-against-  
Troy Grant... et al.



Index Number CV-021678-12/BX

3rd 34-20  
6th  
ORDER TO SHOW CAUSE

To Vacate a Judgment, restore case to the Calendar, and vacate any liens and income executions involving this defendant on this case, and/or to dismiss

## APPEARANCE IS MANDATORY

UPON the annexed affidavit of Debbie Outten, sworn to on April 17, 2014, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Civil Court of the City of New York  
851 Grand Concourse  
Bronx, New York 10451  
Part 34 Room 503  
on May 2, 2014 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, restoring to the calendar, vacating any liens and income executions and/or dismissing the action if warranted and/or granting such other and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

nor before APRIL 23, 2014, shall be deemed good and sufficient.

Sheriff or Marshal:  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

PROOF OF SUCH SERVICE shall be filed with the Clerk in the Part indicated above on the return date of this Order to Show Case.

Attorney(s): Mail to:  
Kavulich & Associates  
(Counsel for Pltf)  
181 Westchester Ave  
Suite 500C  
Port Chester, New York 10573

Sheriff/Marshall:  
NYC Marshal  
Biegel, Stephen, Marshal  
109 W 38 Street  
Suite 200  
New York, NY 10018-3615

April 17, 2014

12 DATE 12 APR 21 2014

Clerk's Office, Clerk's Office

PAUL L. ALPERT  
JUDGE, CIVIL COURT

Court of the City of New York, County of Bronx  
 - Park East Housing Co., Inc.  
 -against-  
 Grant... et al.

CV-021678-12/BX

Affidavit in Support to restore case to the calendar, and vacate any judgment, liens and income executions involving this defendant on this case , and/or to dismiss

of New York, County of Bronx

Debbie Outten, being duly sworn, deposes and says:

(Defendant's initials)

a) I am the Party named as (Defendant)(Respondent) in the above titled action.

2.  a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4] *marshal's notice of garnishment dated 4/10/14*

b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]

a Notice of Default Judgment mailed to me

a Restraining Notice on my bank account,

a copy of an Income Execution served on \_\_\_\_\_

Other: \_\_\_\_\_

3. a) I did not appear and answer in the Clerk's Office because:[NOTE: if you complete # 3a, skip and go to #6].

b) I did appear and answer in the Clerk's Office  
 and I received a date for trial.  
 but the answer was entered late  
 Other: \_\_\_\_\_

4. On the Date of Trial before Judge/Arbitrator  
 a stipulation(a written agreement) was made between claimant/plaintiff and defendant.  
 a judgment was entered after the trial.  
 a judgment was entered against me by default for my failure to appear.  
 Other: \_\_\_\_\_

5. My reason for not complying with the stipulation is *Due to limited amount on my funds due to currency for my mother who is suffering from stroke/Alz*  
 following the order of the Court is \_\_\_\_\_  
 appearing in court on the date scheduled for trial is \_\_\_\_\_  
 Other: \_\_\_\_\_

6.  I allege that I have a good defense because: *I was not notify by the attorney office within ten days when I did not receive a payment. I have make attempt by calling and left message to her. But she didn't return call to me. So I file a motion for a notice of garnishment in the court. Please review the judgement document.*

7.  a) I have not had a previous Order to Show Cause regarding this index number. *will they never respond to my calls.*  
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: *In my original stipulation was 3500 on Nov 1st + 12 \$1112. In which one year the court please review the judgement document.*

8.  I request that the Judgment be vacated, that the case be restored to the calendar, *and the case be restored to the calendar three months in person.*

Sworn to before me this day April 17, 2014

Signature of Court Employee and Title

(Sign Name) *Debbie Outten*  
 Debbie Outten  
 1560 Silver Street  
 Apt 4G  
 Bronx, New York 10461

**CASE SUMMARY**

Court:	Bronx County Civil Court	Plaintiff(s):	Bronx Park East Housing Co., Inc.
Index Number:	CV-021678-12/BX		
Case Type:	Civil	vs.	
Filed Date:	12/20/2012		
Classification:	General	Defendant(s):	Troy Grant;
Status:	Active - Pending Further Review		Debbie Outten

Cause(s) of Action: Other in the amount of \$5,481.87

- (P) Bronx Park East Housing Co., Inc.  
Kavulich & Associates - 181 Westchester Ave, Suite 500C, Port Chester, NY 10573
- (D) Troy Grant - 1212 College Ave, Apt B2, Bronx, NY 10456
- (D) Debbie Outten - 1560 Silver Street, Apt 4G, Bronx, NY 10461

**PAPERS RECORDED**

12/20/2012 Summons and Complaint (Attorney), Filed By: (P) Bronx Park East Housing Co., Inc.  
 02/22/2013 Answer Filed (Self Represented), Filed By: (D) Debbie Outten; (D) Troy Grant  
 04/25/2013 Motion (Order to Show Cause), Seq 1, Court Date(s): 05/17/2013, Filed By: (D) Debbie Outten, Relief: Vacate Inquest Clerk, Status: Decided (05/17/2013, Withdrawn, Elizabeth A. Taylor)  
 05/17/2013 Motion (Order to Show Cause), Seq 2, Court Date(s): 06/07/2013; 06/07/2013, Filed By: (D) Debbie Outten, Relief: Vacate Inquest Clerk, Status: Decided (06/07/2013, Denied - No Appearance Movant, Donald A. Miles)  
 Judgment (Default Judgment), Seq 1, Filed Date: 06/04/2013, Total Judgment: \$5,611.87, Status: Rejected (06/06/2013), Creditor(s): (P) Bronx Park East Housing Co., Inc., Debtor(s): (D) Troy Grant  
 06/04/2013 Judgment (Calendar Default): Inquest Clerk, Seq 2, Filed Date: 06/04/2013, Total Judgment: \$5,646.87, Status: Rejected (06/06/2013), Creditor(s): (P) Bronx Park East Housing Co., Inc., Debtor(s): (D) Debbie Outten  
 06/07/2013 Motion (Order to Show Cause), Seq 3, Court Date(s): 06/21/2013; 06/21/2013, Filed By: (D) Debbie Outten, Relief: Vacate Inquest Clerk, Status: Decided (06/21/2013, Withdrawn, Joseph E. Capella)  
 07/11/2013 Judgment (Default Judgment), Seq 3, Filed Date: 07/11/2013, Total Judgment: \$8,112.16, Entered Date: 07/16/2013, Status: Entered (07/16/2013), Creditor(s): (P) Bronx Park East Housing Co., Inc., Debtor(s): (D) Troy Grant  
 04/11/2014 Motion (Order to Show Cause), Seq 4, Filed By: (D) Debbie Outten, Relief: Vacate Judgment, Status: Filed  
 04/15/2014 Motion (Order to Show Cause), Seq 5, Filed By: (D) Debbie Outten, Relief: Vacate Judgment, Status: Filed

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CV-021678-12/BX (P) Bronx Park East Housing Co., Inc. vs. (D) Troy Grant  
 04/17/2014 Motion (Order to Show Cause), Seq 6, Court Date(s): 05/02/2014, Filed By: (D) Debbie Outten, Relief: Vacate Judgment, Status: Decided  
 (05/02/2014, Settled - Motion Disposed, Paul A. Goetz)

#### APPEARANCE ACTIVITY

03/15/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench, Outcome(s): Inquest Clerk - Partial (based on Bench Trial); Adjourned: 04/25/2013
04/25/2013	Part 11 - Self Represented Non-Jury, Judge: Gerald Lebovits, Purpose: Trial: Bench, Outcome(s): Inquest Clerk
05/17/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Judge: Elizabeth A. Taylor, Purpose: Motion (1) - Vacate Inquest Clerk, Outcome(s): Withdrawn
06/07/2013	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Donald A. Miles, Purpose: Motion (2) - Vacate Inquest Clerk, Outcome(s): Denied - No Appearance Motavit
06/07/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Inquest Clerk, Outcome(s): Rescheduled: 06/07/2013
06/21/2013	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Joseph E. Capella, Purpose: Motion (3) - Vacate Inquest Clerk, Outcome(s): Withdrawn
06/21/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (3) - Vacate Inquest Clerk, Outcome(s): Rescheduled: 06/21/2013
05/02/2014	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Paul A. Goetz, Purpose: Motion (6) - Vacate Judgment, Outcome(s): Settled - Motion Disposed

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